



# Maine Forest Products Council

*The voice of Maine's forest economy*

## Companies represented on the MFPC Board

American Forest Mgmt.  
Baskahegan Co.  
BBC Lands LLC  
Cross Insurance  
Family Forestry  
Farm Credit East  
Fontaine Inc.  
Hancock Lumber  
H.C. Haynes  
Huber Resources  
Innovative Natural  
Resource Solutions  
J.D. Irving  
JM Cote Co.  
Katahdin Forest Mgmt.  
Key Bank  
LandVest Inc.  
Limington Lumber  
Louisiana Pacific  
Maibec Logging  
Nicols Brothers  
Pingree Associates  
Pleasant River Lumber  
Prentiss & Carlisle  
ReEnergy  
Richard Wing & Son  
Robbins Lumber  
Sappi North America  
Southern Maine Forestry  
Stead Timberlands  
TD Bank  
Timber Resource Group  
Timberstate G.  
Verso Paper  
Wadsworth Woodlands  
W.T. Gardner & Sons  
Wagner Forest Mgt.  
Weyerhaeuser

**DATE:** January 18, 2019

**FROM:** Executive Director Patrick Strauch, Maine Forest Products Council

**TO:** Susanne Miller, Maine DEP; Nick Livesay, Maine LUPC

**RE:** Comments regarding Central Maine Power Co.'s proposed NECEC transmission line project

The Maine Forest Products Council (MFPC) is a not-for-profit trade association formed in 1961. We represent about 300 member companies from all segments of the state's forest industry, including logging contractors, sawmills, paper mills, biomass energy facilities, and wood manufacturers, on behalf of about eight million acres of commercial forestland in Maine.

CMP's proposed transmission line would cross large tracts of private working forestland where public access is a privilege, not a right. These working forests are the backbone of Maine's \$8.5 billion forest economy.

The Council is not taking a position on the CMP project, but in reviewing the comments posted online, we were concerned about recurring themes, such as "our access roads," "pristine wilderness," "miles of 'untouched by man' woods & mountains," "destroys scenic views," and "The land is our heritage, and it should belong to all Maine residents." One person went so far as to say, "These are not just roads for logging trucks to use."

Such comments indicate a serious misunderstanding of the nature of a working forest and also of a unique state tradition. In Maine, landowners have traditionally allowed members of the public to use their private property for a wide variety of recreational activities, free of charge. In most other parts of the nation, private landowners either limit access or charge a fee for uses of their lands. This Maine tradition is supported by strong landowner liability protection laws.

However, the type and extent of recreational use allowed on private land is at the discretion of the landowner. Uses must be safe and compatible with timber harvesting. Landowners make their decisions about access based on their own policies and activities, the location of their land, and the history of public behavior on their property. Compatible uses might range from none, to limited non-motorized low intensity, to unrestricted.

To accede to public comments that call private roads and private forests "ours," and that claim a right to maintain present views from those private lands, is both incorrect and dangerous. Logging roads and bridges are private infrastructure, paid for and maintained by landowners to facilitate the movement of forest products to the mills. The roads are built and maintained for timber harvesting, and it costs a lot of money to keep these roads ready for logging trucks. Recreational use of these

roads and other private lands are a secondary benefit, not the purpose of these lands.

Similarly, any evaluation of effects on the scenic character of private land from a proposed development should give maximum weight to the landowner's position if the landowner has no objections to the proposed use. To reach any other conclusion would be to grant public rights on private property. MFPC members do not want regulators to consider views from their land in deciding whether the CMP project will have an adverse effect on the scenic character of the members' land.

The Council's fundamental concern is that the rights of private landowners will be limited in order to fulfill the desires or meet the demands of recreational visitors seeking a "wilderness experience." These lands are actively managed as working forests. It is wrong to consider views (including photo simulations) from those private working forest lands without the consent of the landowner, because that could limit the opportunities for landowners to either develop a site or sell a conservation easement, and thus could lead landowners to limit public access.

Fortunately, many recreational users now understand that public use of private land is a privilege and not a right, so they are working more closely with landowners. They recognize and respect the sights and sounds of sustainable forest management, because they understand how crucial the forest products industry is to our state's economy. Working forests and their environs are not – and should not be – stagnant or forever "pristine." So too, the views from those lands should not be considered in a way that requires those views to remain forever unchanged.

Landowners also recognize the importance – not only to Maine's economy, but to our quality of life – of keeping private land open for public recreational use. With 91 percent of Maine's land in private hands, it would be a small world if Mainers could only hike, hunt, ride recreational vehicles, take photos or watch wildlife on their own property. We have a unique system of access that has worked remarkably well for generations. Let's not break it. To consider in permitting proceedings the perceived impacts on public users' views from publicly accessible private lands would pose a grave threat to that system if it is allowed to override the landowners' opinions of the significance or lack of significance of the impact on those scenic views.

While growing and harvesting timber is the primary objective on these forestlands, there are many other compatible uses and goals, including protecting wildlife habitat, allowing recreation, and encouraging renewable energy. Our members believe that transmission lines can be located in, within, and within sight of their private working forest without disturbing these compatible uses of the land.